

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SOFT PRETZEL FRANCHISE
SYSTEMS, INC.

v.

TARALLI, INC, ET AL.,

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CIVIL ACTION

NO. 13-3790

SURRICK, J.

OCTOBER 4, 2013

ORDER

AND NOW, this 4th day of October, 2013, upon consideration of Plaintiff's Complaint for Preliminary Injunction and Motion for Preliminary Injunction (ECF No. 1, 2), after a hearing in open court, and in accordance with the Findings of Fact and Conclusions of Law filed herewith, it is ORDERED as follows:

1. Plaintiff's Motion for Preliminary Injunction is GRANTED.
2. Defendants are ENJOINED from, directly or indirectly, for themselves or through, on behalf of, or in conjunction with any other person or entity:
 - (1) Owning, maintaining, engaging in, being employed by, or having any interest in any other business which operates or licenses any other retail store, delivery service or other business similar to those offered by Plaintiff; (i) at 230 N. Maple Avenue, Marlton, New Jersey; (ii) within Defendants' former SPF territory as defined in the Franchise Agreement (the "Territory"); or (iii) within a radius of 10 miles of (a) the perimeter of the Territory or (b) any other Soft Pretzel Factory Territory licensed by Plaintiff as of the date of this Order; or

(2) Soliciting business from customers of Defendants former Soft Pretzel Factory franchise, contacting any of Plaintiff's suppliers for any competitive business purpose, or soliciting any of Plaintiff's employees, affiliates or other franchisees to discontinue employment.

3. Defendants is ORDERED to sell Plaintiff the pretzel-stringing equipment at the price derived by applying the formula in Section 14.1 of the Franchise Agreement within ten (10) days of the date of this Order.

4. This preliminary injunction shall remain in effect until a determination on the merits is reached in arbitration proceedings in accordance with the terms of the Franchise Agreement or for a period of two years from the date of this Order, whichever occurs first.

5. Plaintiff is ORDERED to post a bond in the amount of \$20,000, pursuant to Federal Rule of Civil Procedure 65(c).

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. Surrick', is written above a horizontal line.

R. BARCLAY SURRICK, J.